

RESPONSE TO RESTRICTION REQUIREMENT

Serial No. 10/675,815

Filing Date: September 30, 2003

Title: METHODS AND APPARATUS PROVIDING SUCTION-ASSISTED TISSUE
ENGAGEMENT THROUGH A MINIMALLY INVASIVE INCISION

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Dkt.: P-10855.01

Remarks

The Restriction Requirement identified the following two inventions:

I. Claims 1-36 drawn to a device and system.

II. Claims 37-82 drawn to a method.

The Office Action further identified the following species:

a. Figures 1-6;

b. Figures 7-10;

c. Figures 11-22;

d. Figures 23 and 29;

e. Figure 24;

f. Figure 25;

g. Figure 26;

h. Figure 27;

i. Figure 28;

j. Figure 30 and Figure 31.

The Election of Species requirement alleged that no claims are generic.

Applicants respectfully traverse this allegation as there are clearly claims in the application that are generic to two or more species. Applicant is entitled to the examination of a generic claim. See *In re Haas*, 486 F.2d 1053, 1055 (CCPA 1973). In this case, at least independent claims 37, 50 and 78 are generic to two or more of the species identified in the Office Action.

Applicants herein elect Group II corresponding to claims 37-82. Applicants further elect species (c) corresponding to Figures 11-22 and at least claims 37-67, 69-76 and 78-82.

A petition for a two-month extension of time and a supplemental information disclosure statement accompany this response.

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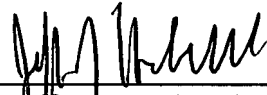
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If necessary, please charge any additional fees or credit overpayment to Deposit
Account No. 13-2546.

Respectfully submitted,

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By



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